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LEGISLATIVE SUPPLEMENT

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PART-I**HARYANA GOVERNMENT****LAW AND LEGISLATIVE DEPARTMENT****Notification**

The 20th July, 2020

No. Leg.17/2020.— The following Act of the Legislature of the State of Haryana received the assent of the President of India on the 16th June, 2020 and is hereby published for general information:-

HARYANA ACT NO. 16 OF 2020**THE FACTORIES (HARYANA AMENDMENT) ACT, 2018****AN****ACT**

further to amend the Factories Act, 1948, in its application to the State of Haryana.

Be it enacted by the Legislature of the State of Haryana in the Sixty-ninth Year of the Republic of India as follows:-

- | | |
|--|--|
| 1. This Act may be called the Factories (Haryana Amendment) Act, 2018. | Short title. |
| 2. In clause (m) of section 2 of the Factories Act, 1948 (hereinafter called the principal Act),-
(i) in sub-clause (i), for the word “ten”, the word “twenty” shall be substituted; and
(ii) in sub-clause (ii), for the word “twenty”, the word “forty” shall be substituted. | Amendment of section 2 of Central Act 63 of 1948. |
| 3. In clause (iv) of sub-section (3) of section 65 of the principal Act, for the words and sign “seventy-five”, the words “one hundred and fifteen” shall be substituted. | Amendment of section 65 of Central Act 63 of 1948. |
| 4. In clause (b) of sub-section (1) of section 66 of the principal Act, for the existing proviso, the following proviso shall be substituted, namely:-
“Provided that the State Government may, by notification in the Official Gazette, in respect of any factory which provides such adequate safety and security measures or safeguards, as may be prescribed apply for such exemption, allow the women to work in factory between the hours of 7:00 PM to 6:00 AM.”. | Amendment of section 66 of Central Act 63 of 1948. |
| 5. In clause (i) of sub-section (1) of section 85 of the principal Act, for the words “ten” and “twenty”, the words “twenty” and “forty” shall respectively be substituted. | Amendment of section 85 of Central Act 63 of 1948. |
| 6. For sub-section (1) of section 105 of the principal Act, the following sub-section shall be substituted, namely:-
“(1) No Court shall take cognizance of any offence under this Act except on a complaint by an Inspector with the previous sanction in writing of the Chief Inspector.”. | Amendment of section 105 of Central Act 63 of 1948. |
| 7. After section 106A of the principal Act, the following section shall be inserted, namely:-
“106B. Compounding of offences.- (1) The offences specified in the Fourth Schedule, if committed for the first time, may be compounded before the institution of the prosecution by such officer and for such amount, as may be notified by the State Government in the Official Gazette. The amount of fine shall not exceed the fine prescribed under section 92.
(2) Where an offence has been compounded under sub-section (1), no further proceedings shall be taken against the occupier in respect of such offence.”. | Insertion of section 106B in Central Act 63 of 1948. |
| 8. After the Third Schedule to the principal Act, the following Schedule shall be added, namely:- | Addition of Fourth Schedule to Central Act 63 of 1948. |

“THE FOURTH SCHEDULE*(see section 106B)*

List of compoundable offences

Serial Number	Section and rules framed thereunder and order issued thereunder	Nature of offence
1	2	3
1	section 11 - Cleanliness	Not maintaining cleanliness as per the provisions.
2	section 18 - Drinking water	Not providing and maintaining arrangements for drinking water as per the provisions.
3	section 19 - Latrines and urinals	Not providing latrine and urinal accommodation as per the provisions.
4	section 20 - Spittoons	(a) Not providing the spittoons as per the provisions. (b) Spitting in contravention of sub-section (3) of section 20.
5	section 42 - Washing facilities	Not providing and maintaining washing facilities as per the provisions.
6	section 43 - Facilities for storing and drying clothing	Not providing facilities as per the provisions.
7	section 44 - Facilities for sitting	Not providing facilities as per the provisions.
8	sub-sections (1), (2) and (3) of section 45 - First aid appliances	Not providing and maintaining first-aid appliances as per the provisions.
9	section 46 - Canteens	Not providing and maintaining canteen as per the provisions.
10	section 47 - Shelters, rest rooms and lunch rooms	Not providing and maintaining shelters, rest rooms and lunch rooms as per the provisions.
11	section 48 - Creches	Not providing and maintaining crèches as per the provisions.
12	sub-section (2) of section 53 - Compensatory holidays	Not displaying the notice and not maintaining the register for compensatory holiday.
13	sub-section (5) of section 59 - Extra wages for overtime	Not maintaining the prescribed registers.
14	section 60 - Restriction on double employment	Requiring or allowing a worker a double employment on any day.
15	section 61 - Notice of periods of work for adults	Not complying with the provisions.
16	section 62 - Register of adult Workers	Not maintaining register as per the provisions.
17	section 63 - Hours of work to correspond with notice under section 61	Not complying with the provisions.
18	section 79 - Annual leave with wages	Not complying with provisions.
19	section 80 - Wages during leave period	Not complying with the provisions.
20	section 81 - Payment in advance in certain cases	Not complying with the provisions.
21	section 83 - Power to make rules	Not maintaining registers as per rules and not complying with the provisions.

Serial Number	Section and rules framed thereunder and order issued thereunder	Nature of offence
1	2	3
22	section 84 - Power to exempt factories	Not complying with the conditions specified in the exempting order.
23	section 93 - Liability of owner of premises in certain circumstances	Not complying with the provisions contained in sub-section (1) and clauses (i) and (vi) of sub-section (3).
24	section 97 - Offences by workers	Not complying with the provisions.
25	section 108 - Display of notices	Not complying with the provisions.
26	section 110 - Returns	Not complying with the provisions.
27	section 111A - Right of workers, etc.	Denial of rights of workers.
28	section 114 - No charge for facilities and conveniences	Demanding charge from worker for providing any facility.”.

BIMLESH TANWAR,
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Law and Legislative Department.